LeMond Cycling, Inc. v. Trek Bicycle Corporation Doc. 137

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

LEMOND CYCLING, INC., Plaintiff, v. TREK BICYCLE CORPORATION, Defendant and Third-Party Plaintiff, v. GREG LEMOND, Third-Party Defendant.	Case No. 08-CV-1010 (RHK-JSM) **AFFIDAVIT OF DAN THORNTON**

STATE OF GEORGIA)
) SS.
COBB COUNTY)

Dan Thornton, being first duly sworn under oath, deposes and states as follows:

1. I am an adult resident of the State of Georgia and I make this affidavit on personal knowledge.

2. I am the owner of Free-Flite Bicycles, which has been an Atlanta area Independent Bike Dealer since 1978. We operate three stores in the Atlanta area.

3. In 2006, Trek introduced a new LeMond product line, and there was a lot of energy around that line. It was a cool carbon fiber product that was very light. I saw it as the new birth of Greg LeMond product, as the things he had said before about Lance Armstrong had calmed down somewhat.

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4. In the middle of Trek introducing this new product line, LeMond went off again on Lance Armstrong. His remarks killed the line and hurt our sales.

5. We lost a lot of money on LeMond as a result of LeMond's comments. The LeMond bikes were distressed and stopped selling. We still have a LeMond we can't sell.

6. Even if Trek were still selling LeMond, we would not have carried it. It was a dead name in our stores.

7. I know Greg LeMond personally, and have discussed with him the negative impact of his remarks about Lance Armstrong on sales of his bicycles.

8. When Greg called me to discuss this topic in 2006, he did not tell me he was tape recording our call.

9. The documents attached as Exhibit A with Bates Numbers TREK000636 and TREK000637 are emails I exchanged with Trek's President John Burke in July and August 2006.

FURTHER AFFIANT SAYETH NOT.

s/ Dan Thornton
Dan Thornton

STATE OF GEORGIA)
) SS.
COBB COUNTY)

SUBSCRIBED AND SWORN to before me
this 4th day of August, 2009, by Dan Thornton.

s/ Sarah Woodward
Notary Public, State of Georgia
My commission expires: 6/10/2012